

**Affirming the Consensus Report on Parenting Plans for Young Children:
Reply to McIntosh, Smyth, & Kelaher (2015)**

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Abstract

Warshak (2014), with the review and endorsement of 110 researchers and practitioners, analyzed more than four decades of research and issued a consensus report on parenting plans for young children. The consensus report's conclusions and recommendations are intended to stem the tide of misinformation that has been driving custody decisions, guidelines, and policy. The list of endorsers and who they are reflect widespread acceptance of the consensus report's findings. McIntosh, Smyth, & Kelaher (2015) devote the bulk of their article to defending their research, but they fail to address the consensus report's conclusions, recommendations, and analysis of the extensive literature relevant to parenting plans for young children.

Keywords: child custody; children's best interests; divorce; joint custody; overnight stays; shared parenting

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McIntosh, Smyth, & Kelaher (2015) agree with Warshak (2014), and the 110 endorsers of the consensus report on parenting plans for young children that social science can inform child custody decisions. The perspective of Warshak (2014) on the scientific literature, though, differs from McIntosh et al. (2015). Where McIntosh et al. (2015) see a thin and undeveloped field of inquiry, Warshak (2014) highlights more than four decades of research directly relevant to this topic, including seminal studies by many of the endorsers. This research “provides a growing and sophisticated fund of knowledge about the needs of young children, the circumstances that best promote their optimal development, and the individual differences among children regarding their adaptability to different circumstances, stress, and change” (Warshak, 2014, p. 46). The ever-present need in science for additional research does not invalidate the extensive knowledge base that informed the consensus report.

Where McIntosh et al. (2015) view their study (McIntosh, Smyth, & Kelaher, 2010) as among the first few points in a new line of inquiry, Warshak (2014) is more concerned about the study’s insufficiently valid measures, the results derived from faulty data of those measures, and the unwarranted inferences drawn from those results. The purpose of the consensus report, with its endorsements, was to stem the tide of misinformation that has been driving custody decisions, guidelines, and policy (Warshak, 2014). Where McIntosh et al. (2015) try to diminish and distract from the meaning and significance of the 110 endorsements of the consensus report, the Warshak (2014) consensus report believes that the list of endorsers and who they are reflect the field’s acceptance of the consensus report’s findings.

McIntosh et al. (2015) devote the bulk of their article to defending their study (McIntosh et al., 2010). However, they fail to address the consensus report’s reviews and analyses of the extensive literature in fields such as the development of healthy parent-child relationships and the impact of young children’s separation from their parents in daycare settings. McIntosh et al. (2015) also do not dispute the consensus report’s conclusions and recommendations.

Endorsers: Who They Are and What They Did

The endorsers are an interdisciplinary and international group of prominent representatives from the fields of early child development, clinical and forensic psychology,

psychiatry, sociology, social work, and counseling. Their expertise, research, and publication credits span a wide range of theoretical perspectives and include a cross-section of specialties in attachment, psychological development of infants and toddlers, parent-child relations, daycare, child custody, divorce, object relations, and forensic psychology.

The qualifications of the endorsers to vet the consensus report's literature reviews and analyses and to judge the conclusions and recommendations that flowed from those analyses are beyond dispute. The list of endorsers is included at the end of the Warshak (2014) consensus report. There were two benefits of having the paper reviewed by this group. The first was the benefit of feedback from the 110 endorsers. The consensus report's analysis of the literatures on attachment, daycare, and divorce, was vetted by prominent international authorities in attachment, principal investigators for the celebrated NICHD Study of Early Child Care and Youth Development, and leading divorce researchers who have studied the impact of divorce since the mid-1970s. The second benefit is that the stature of the signatories will garner respect and attention from decision makers for the report's conclusions and recommendations.

In sum, the endorsers received and read the entire consensus report. As would be expected, none of these professionals would have endorsed the report's conclusions without agreeing with the evidence that supported the conclusions. Moreover, the conclusions referred explicitly to the evidence reviewed and analyzed in the paper.

Stemming the Tide of Misinformation

The Warshak (2014) consensus report voiced concern that the manner in which some research results have been reported, interpreted, and publicized, and the inferences drawn from those results, have misled family court professionals. The consensus report delineated strong reservations about two studies (McIntosh et al., 2010; Tornello et al., 2013) whose results often are cited to argue against young children spending overnights with their fathers after the parents separate. The inferences drawn from these two studies and from a third study (Solomon & George, 1999)—whose results, its first author agreed (Solomon, 2013), are frequently misrepresented—veer sharply from the conclusions and recommendations rooted in four decades of research and endorsed in the consensus report. For the specific limitations of these three studies, the reader is directed to the consensus report (Warshak, 2014, pp. 52-56) and to other

papers.¹ To date, publications by McIntosh, Smyth, and Kelaher, including their reply to the Warshak (2014) consensus report, have yet to acknowledge important limitations noted by these scholars.

Flawed Measures

A central concern with the McIntosh et al. (2010) study is the extent to which the study used sub-standard measures and relied on results of those measures to draw unwarranted inferences. The Warshak (2014) consensus report observed that none of the four significant outcomes reported by McIntosh et al. (2010) were derived from measures with established reliability or validity, a point also noted by Nielsen (2014a) in greater detail. Confronted with such feedback, one might expect the researchers to either show where Warshak's (2014) and other scholars' evaluations of their measures are mistaken or to accept that the measures lack adequate reliability and validity, conclude that we cannot know what the results mean, and modify the inferences they draw from the measure and what they communicate about the results to colleagues and the general public.

McIntosh et al. (2015) stated that their previous publications addressed their study's limitations. But their previous publications did not acknowledge significant limitations noted by Warshak (2014) and by other scholars, especially the flawed measures. Neither does their reply to the Warshak (2014) consensus report acknowledge or address the concerns about three of their measures. They concede that their 3-item visual monitoring scale has "relatively low" reliability and is a "weak link" in their study (McIntosh et al., 2015, p. 116), and it clearly is. This is a major concern because their visual monitoring scale was a linchpin for their sweeping conclusion that more than three overnights a month are associated with emotional regulation problems in children under the age of two years (McIntosh et al., 2010).

McIntosh et al. (2015) attempt to justify the use of their visual monitoring scale by pointing out that "large broad-brush studies" require "utilitarian compromises in the selection of measures" and that "secondary data analyses were the only option" for their study (McIntosh et

¹ E.g., Cashmore & Parkinson, 2011, Fabricius, 2014; Lamb, 2012a, 2012b; Lamb & Kelly, 2001, Ludolph, 2012; Ludolph & Dale, 2012; Millar & Kruk, 2014; Nielsen, 2013, 2014a, 2014b, 2014c, 2015; Parkinson & Cashmore, 2011; Pruett, Cowan, Cowan, & Diamond, 2012; Sokol, 2014; Warshak, 2002, 2015.

al., 2015, p. 116). But the visual monitoring scale was not in the Longitudinal Study of Australian Children (LSAC) data set from which they drew their sample. McIntosh et al. (2010) created this unreliable, “utilitarian” measure by extracting 3 questions from a 24-item validated instrument, the Communication and Symbolic Behavior Scales (CSBS) (Wetherby & Prizant, 2001), that measures readiness to learn to talk among children ages 6-24 months (although LSAC included infants as young as 3 months). On the CSBS, higher scores indicate greater readiness to learn to talk. Yet McIntosh et al. (2015) interpreted higher scores to indicate impaired emotional regulation that they labeled “insistent visual monitoring,” not advanced cognitive development (p. 116). Note that the three questions asked the parent whether the child “sometimes” or “often” looks at the parent and tries to engage the parent’s attention; there is no rating of “insistence” or behavioral intensity (Warshak, 2014, p. 55, footnote 1). Of the parents who provided responses on the visual monitoring scale no more than 4% were fathers.

A second rationale that McIntosh et al. (2015) give for using a scale that lacks reliability and validity is that it was “theoretically derived” from attachment theory. This begs the question of why the researchers did not use empirically informed measures as other scientists use when seeking reliable knowledge. Also, as discussed in the Warshak (2014) consensus report, the use of attachment theory by McIntosh et al. as the rationale for the visual monitoring measure does not fit. Noting that infants when anxious look at their mothers and try to get their mothers’ attention, the faulty rationale assumes that being anxious is the only reason that infants look at their mothers, and that the more infants look at their mothers, the more anxious the infants must be.

To bolster confidence in the “veracity and reliability” of their study’s findings, McIntosh et al. (2015) claim that other studies, such as Tornello et al. (2013), replicate their study. This is incorrect. Tornello et al. (2013) used different measures and with a different population. Further, Sokol’s (2014) analysis of the data in Tornello et al. (2013) found no correlation between overnights and insecure attachments in infants.

To defend against the poor psychometric properties of their measures, McIntosh et al. (2015) assert that Warshak (2014) proposed that parenting plan studies should include customized measures. Such a proposal is nowhere found in the consensus report. In fact, one of the obvious drawbacks of the measures used in McIntosh et al. (2010) is that they were customized, but without establishing their reliability and validity. We were simply holding

McIntosh et al. (2010) to basic scientific standards in pointing out that 4 of their 6 measures lacked reliability and validity data. Despite the fact that many scholars have identified this problem, McIntosh et al. (2015) assert that their measures “remain one of the study’s key strengths” (p. 116).

Although McIntosh et al. (2015) deny that they have proffered their study’s results as a basis for policy and decisions, their assertion is inconsistent with their previous statements. For example, McIntosh, Smyth, and Kelaher (2013) state: “This study offers some markers of developmental strain in the infant and young child, that may assist parents, judges and mediators in their evaluation of a very young child’s response to shared over-night time between parents” (p. 237). And McIntosh (2011), in a section titled “Implications for Parents, Services and Policy,” states: “In early infancy [defined by McIntosh as under 2 years old], *overnight stays are contra-indicated* [emphasis added], undertaken when necessary or helpful to the primary caregiver, and when the second parent is already an established source of comfort and security for the infant” (p. 4).

Hypothesis of a Linear Relationship Between Overnights and Negative Outcomes

Warshak (2014) credited Solomon and George (1999) with proposing the hypothesis that harm to children from overnights falls along a linear slope, i.e., more overnights cause more harm. McIntosh et al. (2015) asserted that it is unfair to criticize their study for not finding such a linear relationship because they never tested a linear hypothesis that “the more overnights, the more harm.” They added that no evidence exists that would make this a “worthy” hypothesis to investigate.

Although McIntosh et al. (2015) suggested that the 110 endorsers and I were inaccurate perhaps because we did not understand their “complex study,” McIntosh et al. (2013) in a previous paper summarizing their study, wrote: “We hypothesized that: (1) For infants and very young children, higher number of overnight stays away from the primary parent would be associated with greater dysregulation in behaviour [*sic*] when with the primary parent, and greater psycho-somatic symptoms” (p. 227). And, “These findings support our first hypothesis that higher number of overnight separations from a primary parent during early infancy would be associated with greater degree of affect dysregulation when with this parent” (McIntosh et al., 2013, p. 235). “For infants and children under 4 years old, significant independent correlations were found between higher rates of shared overnight stays and unsettled, poorly regulated

behaviours [*sic*]” (McIntosh et al., 2013, p. 237). In their reply to the consensus report they stated: “A link was found between the number of overnight stays and infant and toddler emotional regulation” (McIntosh et al., 2015, p. 113). How can they report such a correlation if they never tested this relationship?

Taking words out of context, McIntosh et al. (2015) stated that Warshak (2014) “argued that our findings ‘reinforce long-held gender stereotypes about parental roles’ (p. 56), namely favoring mothers over fathers for the greater apportionment of parenting time after separation” (p. 114). The words quoted by McIntosh et al. (2015) did not refer to their study, but to the press release and the media response to the study by Tornello et al. (2013) that reported that overnighting was linked to babies’ insecure attachments to their mothers. An example was the report on the Tornello et al. study published by the National Institutes of Health with this headline: “Overnight Separation From Mother Linked to Weaker Infant Bond” (Preidt, 2013, July 26). In this context, Warshak et al. (2014) stated:

Contrary to the press release’s claim of “dramatic” findings, infants who spent at least one night per week away from their mothers did not have more insecure attachments than babies who saw their fathers only during the day. The release’s misstatement underscores the pull to selectively cite and sometimes misrepresent data in the service of advocating for or against a particular parenting plan. Decision makers are urged to distinguish between scientists’ reports and advocates’ hyperbole.

To understand the receptivity on the part of the media and some of our colleagues to the dramatic warnings attributed to the outlier studies, we cannot rule out the fact that the studies’ conclusions and the authors’ recommendations reinforce long-held gender stereotypes about parental roles. (p. 56)

Nevertheless, although McIntosh et al. (2015) argued that their results did not differentiate mothers from fathers as primary caregivers, their study had, at most, one case (1.04% of n=55) in which an infant in the shared care group lived predominantly with the father (McIntosh et al., 2010, p. 104). Thus it is reasonable that the results of McIntosh et al. (2010) would be interpreted as applying to real-world families in which, when issues about overnights arise in custody litigation, the dispute is usually between a father who wants more overnights with his child and a mother who wants the child to have fewer or no overnights with the father.

Conclusion

McIntosh et al. (2015) assert that “[l]egal and policy mandates about postseparation parenting arrangements have potentially far-reaching consequences for children, their parents, and society more broadly” (p. 111). This is why it is important to ensure that social scientists’ efforts to inform custody policy and decisions are trustworthy. The Warshak (2014) consensus report, with its endorsers, speaks for itself.

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